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Lead Counsel for the Indirect-Purchaser Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

) Master File No. 4:07-cv-5944-JST

) MDL No. 1917

This Document Relates to:

Indirect-Purchaser Class Action

) **DECLARATION OF GERARD A.
DEVER IN SUPPORT OF**

) **INDIRECT PURCHASER PLAINTIFFS’
NOTICE OF MOTION AND MOTION
IN LIMINE NO. 3:**

) **TO PRECLUDE REFERENCE TO AND
EXCLUDE EVIDENCE OF THE
ABSENCE OF CRIMINAL
INDICTMENT, CONVICTION, OR
GUILTY PLEA**

) Hearing Date: December 15, 2023

) Time: 2:00 p.m.

) Courtroom: Courtroom 6 – 2nd Floor

) The Honorable Jon S. Tigar

1 I, Gerard A. Dever, hereby declare and state as follows:

2 1. I am a member of the law firm Fine, Kaplan and Black, R.P.C., counsel for the
3 Indirect Purchaser Plaintiffs in the above-captioned action currently pending in the U.S. District
4 Court for the Northern District of California. I am a member in good standing of the bar of the
5 Commonwealth of Pennsylvania and I am admitted *pro hac vice* to practice before this Court. I
6 submit this Declaration in support of Plaintiffs' Motion *in Limine* No. 3: to preclude reference to
7 and exclude evidence of the absence of criminal indictment, conviction, or guilty plea.

8 2. Attached hereto as **Exhibit A** is a true and correct copy of the January 9, 2013,
9 Minute Order in *In re Urethane Antitrust Litig.*, No. 04-1616 (D. Kan.) (Dkt. No. 2691).

10 I declare under penalty of perjury under the laws of the United States that the foregoing is
11 true and correct.

12 Executed on August 11, 2023, in Philadelphia, Pennsylvania.

13
14 /s/ Gerard A. Dever

15 Gerard A. Dever

16 Fine, Kaplan and Black, R.P.C.

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22 *Counsel for Indirect Purchaser Plaintiffs*
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EXHIBIT A

CLERK'S COURTROOM MINUTE SHEET – CIVIL

IN RE: URETHANE ANTITRUST
LITIGATION

The Polyether Polyol Cases

MDL: 1616
Case No: 04-md-1616-JWL

**Attorney for Plaintiffs: Roger N. Walter, Roberta Liebenberg, Joseph Goldberg and
Michael Guzman**

**Attorney for Defendant: Brian Markley, David M. Bernick, Hamilton Loeb, Jeremy Evans,
and Donald Morrow**

JUDGE:	John W. Lungstrum	DATE:	1/9/2013
CLERK:	Sharon Scheurer	TAPE/REPORTER:	Becky Ryder

LIMINE CONFERENCE

#2557 - Defendant Dow's Motion in Limine to Exclude Any Reference to Alleged Conspiracies or Illegal Conduct Occurring Before 1999: **GRANTED as set forth in full on the record.**

#2558 - Defendant Dow's Motion in Limine to Preclude Reference to or Evidence of Dow's Overall Financial Condition: **GRANTED as set forth in full on the record.**

#2559 - Defendant Dow's Motion in Limine to Exclude Testimony from Witness Attorney Paul Costa: **DENIED as set forth in full on the record.**

#2560 - Defendant Dow's Motion in Limine to Exclude Reference to or Allegations of Any Purported Conspiracy to Fix the Prices of Polyether Polyols Systems: **GRANTED as set forth in full on the record.**

#2561 - Defendant Dow's Motion in Limine to Preclude Reference to Unrelated Price-Fixing Cases: **GRANTED in part and DENIED in part as set forth in full on the record.**

#2562 - Class Plaintiffs' Motion in Limine to Preclude Reference to Class Representatives' or Class Members' Attendance or Non-Attendance at Trial: **GRANTED as set forth in full on the record.**

#2564 - Class Plaintiffs' Motion in Limine to Preclude Evidence or Reference to the Closing of the Department of Justice Criminal Investigation Without Indictment of Dow : **GRANTED as set forth in full on the record.**

- #2566 - Class Plaintiffs' Motion in Limine to Preclude Reference to How Class Plaintiffs Became Involved in the Case or to the Case Being Lawyer Driven: **GRANTED as set forth in full on the record.**
- #2569 - Defendant Dow's Motion in Limine to Preclude Certain Statements by Alleged Co-Conspirators: **DENIED as set forth in full on the record.**
- #2571 - Class Plaintiffs' Motion in Limine to preclude Reference Before the Jury to "Pass Through" of Damages, or to any Alleged benefits to Class Plaintiffs From the Alleged Price Fixing: **GRANTED in part, DENIED in part, and TAKEN UNDER ADVISEMENT in part as set forth in full on the record.**
- #2573 - Defendant Dow's Motion in Limine to Exclude Evidence of Settlement and Settlement Discussions : **GRANTED as set forth in full on the record.**
- #2574 - Class Plaintiffs' Motion in Limine to Preclude Reference to the Terms or Payment Amounts of Prior Settlements: **GRANTED as set forth in full on the record.**
- #2576 - Class Plaintiffs' Motion in Limine to Preclude Reference to Paul Seegott's Bankruptcy, to Dormant Status of Plaintiff Seegott Holdings, Inc. and to BASF Corporation's Now-Settled Counterclaim Against Seegott Holdings: **GRANTED in part and TAKEN UNDER ADVISEMENT in part as set forth in full on the record.**
- #2578 - Class Plaintiffs' Motion in Limine to Preclude Disclosure to the Jury that Any Damages Award will be Trebled **GRANTED as set forth in full on the record.**
- #2580 - Class Plaintiffs' Motion in Limine to Exclude Defendant's Initial Video Deposition Designations from Class Plaintiffs' Case in Chief : **GRANTED in part and DENIED in part as set forth in full on the record.**
- #2675 - Joint Motion to Disseminate Juror Questionnaire: **DENIED as set forth in full on the record.**
- #2681 - Class Plaintiffs' Motion to Modify Pretrial Order: **GRANTED as set forth in full on the record.**